

### Remarks

The Office Action mailed April 10, 2003 and made final, and the Advisory Action mailed June 20, 2003 have been carefully reviewed and the foregoing amendment has been made in consequence thereof.

Claims 1-40 are now pending in this application. Claims 1-40 stand rejected.

As explained below in greater detail, Applicants respectfully submit that none of Pinard, Burgess, or McDuff, considered alone or in combination, describe or suggest a method for indicating expert availability to a help-seeker from a pool of experts that includes displaying on a client system to the help-seeker at least one available expert with corresponding expert information that satisfies a help-seeker's request wherein the expert information includes expert availability information displayed through an applet which further includes an expert availability indicator that displays a waiting time for each available expert displayed and an average amount of time the expert spends assisting a help-seeker, and prompting the help-seeker to select at least one available expert from the display based on the expert availability information.

Although Burgess mentions an availability status indicator or an availability time indicator and McDuff mentions a call center that includes a computer system that displays statistics including an average handling time for a call center agent, neither Burgess nor McDuff, alone or in combination, describe or suggest displaying on a client system to a help-seeker an expert availability indicator that displays a waiting time for each available expert displayed and an average amount of time the expert spends assisting a help-seeker, and prompting the help-seeker to select at least one available expert from the display based on the expert availability information. Rather, the availability status indicator and the availability time indicator described in Burgess merely shows whether the operator is available, and, if not available, when the operator will return to be available; and the average handling time displayed in McDuff is not displayed to a help-seeker so that the help-seeker can select an available expert.

The rejection of Claims 1, 2, 4-6, 8, 13-15, 17-18, 20-31, 33, and 36-40 under 35 U.S.C. § 103(a) as being unpatentable over Pinard et al. (U.S. Patent No. 6,230,287) ("Pinard") in view of Burgess et al. (U.S. Patent No. 5,815,554) and further in view of McDuff et al. (U.S. Patent No. 6,490,350) is respectfully traversed.

Pinard describes a web based help desk (12) that includes a web server (72) having memory storing a help desk web page. Web server (72) allows remote user computers (20, 22) to access web server (72) via an internet or intranet connection thereby to access and display the help desk web page. A plurality of computers (74), operated by support specialists, are in communication with web server (72) to allow support specialists to communicate with remote users requiring support. The support specialists are selectable through the web page. A support specialist status application (88) monitors the status of the support specialists and remote users requesting support and prompts web server (72) to establish a connection between a support specialist and a remote user when a support specialist becomes available.

Burgess describes a timing system which permits an operator of the timing system to indicate to others who wish to interact with the operator whether the operator is currently available. If the operator of the device is unavailable, the timing system indicates at what time the operator will be available.

McDuff describes an automated monitoring system that monitors telephone resources in a call center (10). Call center (10) may include agent stations (20) at which agents are stationed to handle calls. A monitoring server (30) monitors calling activity by the agents to maintain state information about the agents and to gather statistics about the calling activity of the agents. These statistics are forwarded to a client program run on a workstation (38) or other type of computer system. The client program provides a graphical user interface and depicts the state information about the agents as part of the interface. The graphical user interface may also display statistics regarding the calling activity of agents, agent supervisors, business clients of the call center, and the call center in aggregate.

Claim 1 recites a method for indicating expert availability to a help-seeker from a pool of experts currently in communication with a client system - server system that includes “providing a database within the server system comprising a pool of available experts wherein an available expert is an expert currently in communication with the client system, the experts pool further comprising identification of experts and their availability for providing immediate help to the help-seeker...receiving from the help-seeker through the client system a request for at least one available expert...displaying on the client system to the help-seeker at least one available expert with corresponding expert information that satisfies the help-seeker’s request, the expert information includes expert availability information displayed through an applet downloaded from the server system, the expert availability information includes an expert availability indicator that displays a waiting time for each available expert displayed and an average amount of time the expert spends assisting a help-seeker...prompting the help-seeker to select at least one available expert from the display based on the expert availability information...and contacting the selected expert through the client system via at least one of instant messaging, on-line meeting, and on-line chat.”

None of Pinard, Burgess, or McDuff, considered alone or in combination, describe or suggest a method as recited in Claim 1. More specifically, none of Pinard, Burgess, or McDuff, considered alone or in combination, describe or suggest a method for indicating expert availability to a help-seeker that includes providing a database within a server system having a pool of available experts wherein an available expert is an expert currently in communication with a client system and wherein the experts pool further includes identification of experts and their availability for providing immediate help to the help-seeker, displaying on the client system to the help-seeker at least one available expert with corresponding expert information that satisfies the help-seeker’s request wherein the expert information includes expert availability information displayed through an applet downloaded from the server system and wherein the expert availability information includes an expert availability indicator that displays a waiting time for each available expert displayed and an average amount of time the expert spends

assisting a help-seeker, and prompting the help-seeker to select at least one available expert from the display based on the expert availability information.

Rather, Pinard describes a web based help desk that includes a web server, and a plurality of computers that are operated by support specialists and are in communication with the web server which allow the support specialists to communicate with remote users requiring support; Burgess describes a timing system which permits an operator of the timing system to indicate to others who wish to interact with the operator whether the operator is currently available; and McDuff describes an automated monitoring system that monitors telephone resources in a call center.

As acknowledged by the Office Action at page 6, Pinard does not “disclose an expert availability indicator that displays a waiting time for each available expert displayed and an average amount of time the expert spends assisting a user.” Moreover, although Burgess mentions at column 13, lines 9-10 that the system provides a “remote access of the availability status indicator or availability time indicator”, Burgess does not describe nor suggest displaying on a client system to a help-seeker an expert availability indicator that displays a waiting time for each available expert displayed and an average amount of time the expert spends assisting a help-seeker, and prompting the help-seeker to select at least one available expert from the display based on the expert availability information. Rather, the availability status indicator and the availability time indicator described in Burgess merely shows whether the operator is available, and, if not available, when the operator will return to be available.

Furthermore, although McDuff mentions at column 12, line 67 to column 13, line 9 that the “statistics section holds information only as to activity relative to the bay that is shown...Information regarding each agent within the bay is shown...This information includes the name of the agent...A set of statistics is also displayed for each agent...The statistics include the average handling time (AHT), which specifies the time it takes on average for an agent to handle (i.e., fully process) a call”, McDuff does not describe nor suggest displaying on a client system to a help-seeker an expert availability indicator that displays a waiting time for each

available expert displayed and an average amount of time the expert spends assisting a help-seeker, and prompting the help-seeker to select at least one available expert from the display based on the expert availability information. Notably, the average handling time displayed in McDuff is not displayed to a help-seeker, and it is not displayed so that a help-seeker can select an available expert. Accordingly, Applicants respectfully submit that Claim 1 is patentable over Pinard in view of Burgess and further in view of McDuff.

For the reasons set forth above, Claim 1 is submitted to be patentable over Pinard.

Claims 2, 4-6, 8, and 13-15 depend, directly or indirectly, from independent Claim 1. When the recitations of Claims 2, 4-6, 8, and 13-15 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 2, 4-6, 8, and 13-15 likewise are patentable over Pinard in view of Burgess and further in view of McDuff.

Claim 17 recites a system for indicating expert availability to a help-seeker that includes a server system, a client system, and a database having an expert pool of available experts wherein an available expert is an expert currently in communication with the client system and wherein the expert pool further includes identification of experts and their availability for providing immediate help to the help-seeker, the server system is configured to “receive from the help-seeker through the client system a request for at least one available expert...display on the client system to the help-seeker at least one available expert with corresponding expert information that satisfies the help-seeker’s request, said expert information comprises expert availability information displayed through an applet, said expert availability information comprises an expert availability indicator that displays a waiting time for each available expert displayed and an average amount of time said expert spends assisting a help-seeker...and prompt the help-seeker to select at least one available expert from the display based on said expert availability information.”

None of Pinard, Burgess, or McDuff, considered alone or in combination, describe or suggest a system as recited in Claim 17. More specifically, none of Pinard, Burgess, or McDuff, considered alone or in combination, describe or suggest a system for indicating expert

availability to a help-seeker that includes a server system configured to display on a client system to the help-seeker at least one available expert with corresponding expert information that satisfies a help-seeker's request wherein the expert information includes expert availability information displayed through an applet and wherein the expert availability information includes an expert availability indicator that displays a waiting time for each available expert displayed and an average amount of time the expert spends assisting a help-seeker, and prompt the help-seeker to select at least one available expert from the display based on the expert availability information.

Rather, Pinard describes a web based help desk that includes a web server, and a plurality of computers that are operated by support specialists and are in communication with the web server which allow the support specialists to communicate with remote users requiring support; Burgess describes a timing system which permits an operator of the timing system to indicate to others who wish to interact with the operator whether the operator is currently available; and McDuff describes an automated monitoring system that monitors telephone resources in a call center.

As acknowledged by the Office Action at page 6, Pinard does not "disclose an expert availability indicator that displays a waiting time for each available expert displayed and an average amount of time the expert spends assisting a user." Moreover, although Burgess mentions at column 13, lines 9-10 that the system provides a "remote access of the availability status indicator or availability time indicator", Burgess does not describe nor suggest a server system configured to display on a client system to a help-seeker an expert availability indicator that displays a waiting time for each available expert displayed and an average amount of time the expert spends assisting a help-seeker, and prompt the help-seeker to select at least one available expert from the display based on the expert availability information. Rather, the availability status indicator and the availability time indicator described in Burgess merely shows whether the operator is available, and, if not available, when the operator will return to be available.

Furthermore, although McDuff mentions at column 13, lines 6-9 that a “set of statistics is also displayed for each agent...The statistics include the average handling time (AHT), which specifies the time it takes on average for an agent to handle (i.e., fully process) a call”, McDuff does not describe nor suggest a server system configured to display on a client system to a help-seeker an expert availability indicator that displays a waiting time for each available expert displayed and an average amount of time the expert spends assisting a help-seeker, and prompt the help-seeker to select at least one available expert from the display based on the expert availability information. Notably, the average handling time displayed in McDuff is not displayed to a help-seeker, and it is not displayed so that the help-seeker can select an available expert. Accordingly, Applicants respectfully submit that Claim 17 is patentable over Pinard in view of Burgess and further in view of McDuff.

For the reasons set forth above, Claim 17 is submitted to be patentable over Pinard in view of Burgess and further in view of McDuff.

Claims 18, 20-31, 33, and 36-40 depend, directly or indirectly, from independent Claim 17. When the recitations of Claims 18, 20-31, 33, and 36-40 are considered in combination with the recitations of Claim 17, Applicants submit that dependent Claims 18, 20-31, 33, and 36-40 likewise are patentable over Pinard in view of Burgess and further in view of McDuff.

For the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 1, 2, 4-6, 8, 13-15, 17-18, 20-31, 33, and 36-40 be withdrawn.

The rejection of Claims 3 and 19 under 35 U.S.C. § 103(a) as being unpatentable over Pinard in view of Burgess and further in view of McDuff is respectfully traversed.

Pinard, Burgess, and McDuff are all described above.

Claim 3 depends from independent Claim 1. Claim 1 is recited above. As set forth in the arguments above, none of Pinard, Burgess, or McDuff, considered alone or in combination,

describe or suggest a method as recited in Claim 1. Accordingly, Applicants respectfully submit that Claim 1 is patentable over Pinard in view of Burgess and further in view of McDuff.

When the recitations of Claim 3 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claim 3 likewise is patentable over Pinard in view of Burgess and further in view of McDuff.

Claim 19 depends from independent Claim 17. Claim 17 is recited above. As set forth in the arguments above, none of Pinard, Burgess, or McDuff, considered alone or in combination, describe or suggest a system as recited in Claim 17. Accordingly, Applicants respectfully submit that Claim 17 is patentable over Pinard in view of Burgess and further in view of McDuff.

When the recitations of Claim 19 are considered in combination with the recitations of Claim 17, Applicants submit that dependent Claim 19 likewise is patentable over Pinard in view of Burgess and further in view of McDuff.

For the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 3 and 19 be withdrawn.

The rejection of Claim 7 under 35 U.S.C. § 103(a) as being unpatentable over Pinard in view of Burgess and further in view of McDuff is respectfully traversed.

Pinard, Burgess, and McDuff are all described above.

Claim 7 depends from independent Claim 1. Claim 1 is recited above. As set forth in the arguments above, none of Pinard, Burgess, or McDuff, considered alone or in combination, describe or suggest a method as recited in Claim 1. Accordingly, Applicants respectfully submit that Claim 1 is patentable over Pinard in view of Burgess and further in view of McDuff.

When the recitations of Claim 7 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claim 7 likewise is patentable over Pinard in view of Burgess and further in view of McDuff.



For the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claim 7 be withdrawn.

The rejection of Claims 16 and 32 under 35 U.S.C. § 103(a) as being unpatentable over Pinard in view of Burgess and further in view of McDuff is respectfully traversed.

Pinard, Burgess, and McDuff are all described above.

Claim 16 depends from independent Claim 1. Claim 1 is recited above. As set forth in the arguments above, none of Pinard, Burgess, or McDuff, considered alone or in combination, describe or suggest a method as recited in Claim 1. Accordingly, Applicants respectfully submit that Claim 1 is patentable over Pinard in view of Burgess and further in view of McDuff.

When the recitations of Claim 16 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claim 16 likewise is patentable over Pinard in view of Burgess and further in view of McDuff.

Claim 32 depends from independent Claim 17. Claim 17 is recited above. As set forth in the arguments above, none of Pinard, Burgess, or McDuff, considered alone or in combination, describe or suggest a system as recited in Claim 17. Accordingly, Applicants respectfully submit that Claim 17 is patentable over Pinard in view of Burgess and further in view of McDuff.

When the recitations of Claim 32 are considered in combination with the recitations of Claim 17, Applicants submit that dependent Claim 32 likewise is patentable over Pinard in view of Burgess and further in view of McDuff.

For the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 16 and 32 be withdrawn.

In addition to the arguments set forth above, Applicants respectfully submit that the rejection of Claims 1-40 under 35 U.S.C. § 103(a) as being unpatentable over Pinard in view of Burgess and further in view of McDuff is further traversed on the grounds that the Section 103

rejection of the presently pending claims is not a proper rejection. Obviousness cannot be established by merely suggesting that it would have been obvious to one of ordinary skill in the art to modify Pinard using the teachings of Burgess and McDuff. More specifically, as is well established, obviousness cannot be established by combining the teachings of the cited art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combination. It is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the prior art so that the claimed invention is rendered obvious. Specifically, one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention. Further, it is impermissible to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art.

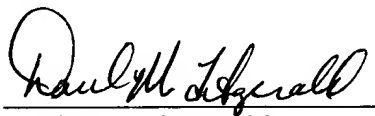
As the Federal Circuit has recognized, obviousness is not established merely by combining references having different individual elements of pending claims. Ex parte Levengood, 28 U.S.P.Q.2d 1300 (Bd. Pat. App. & Inter. 1993). MPEP 2143.01. Rather, there must be some suggestion, outside of Applicants' disclosure, in the prior art to combine such references, and a reasonable expectation of success must be both found in the prior art, and not based on Applicants' disclosure. In re Vaeck, 20 U.S.P.Q.2d 1436 (Fed. Cir. 1991). In the present case, neither a suggestion or motivation to combine the prior art disclosures, nor any reasonable expectation of success has been shown.

None of Pinard, Burgess, or McDuff, considered alone or in combination, describe or suggest the claimed combination. Rather, the present Section 103 rejection appears to be based on a combination of teachings selected from multiple patents in an attempt to arrive at the claimed invention. Since there is no teaching nor suggestion for the combination of Pinard, Burgess, and McDuff, the Section 103 rejection appears to be based on a hindsight reconstruction in which isolated disclosures have been picked and chosen in an attempt to deprecate the present invention. Of course, such a combination is impermissible, and for this reason alone, Applicants request that the Section 103 rejection of Claims 1-40 be withdrawn.

For the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 1-40 be withdrawn.

In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Daniel M. Fitzgerald", is written over a horizontal line.

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